

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

VINCENT WILLIAMS,

Petitioner,

v.

CIVIL ACTION NO. 2:22-cv-00542
(Criminal No. 2:18-cr-00110)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Currently pending before the Court are Petitioner Vincent Williams' *pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody* (Document 50) as well as the request/motion to dismiss contained in the *Response of the United States to Order to Show Cause* (Document 63).

By *Standing Order* (Document 52) entered on November 30, 2022, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On June 28, 2023, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 68) wherein it is recommended that this Court grant the United States' request for dismissal, deny the Petitioner's § 2255 motion, dismiss the matter with prejudice, and remove it from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due no later than July 17, 2023.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation* and **ORDERS** that the United States' request for dismissal (Document 63) be **GRANTED**, that the Petitioner's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody* (Document 50) be **DENIED**, and that this matter be **DISMISSED with prejudice** and **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, to counsel of record, and to any unrepresented party.

ENTER: July 21, 2023



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA